

REMARKS

The paper is in response to the Office Action. The foregoing amendment cancels claims 15-32; amends claims 1; and adds new claims 33-39. Claims 1-14 and 33-39 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

I. Objection to Drawings

The Office Action objected to the drawings as failing to show every feature of the invention specified in the claims. In particular, claim limitations from claims 1, 5, 8, and 9 are purportedly not shown in the drawings. Applicants respectfully disagree.

According to 37 CFR 1.83(a), "The drawing in a nonprovisional application must show every feature of the invention specified in the claims." In addition, according to 37 CFR 1.81(a) and (b), "The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented;...Drawings may include illustrations which facilitate an understanding of the invention (for example, flow sheets in cases of processes, and diagrammatic views)."

Example embodiments providing support for the limitations of claim 1 are shown at least in the flow diagram of Figure 5A and in the graphical user interfaces of Figures 5B and 5C. For example, as to the claim 1 limitation, "determining whether one or more of the identified ports are available," Figure 5A depicts stage 504, which is labeled "Present Port Information." According to the detailed description, "At stage 504 a list of the discovered ports and information concerning the ports is presented to the user by way of a graphical user interface ("GUI") 600." See paragraph [0050]. Moreover, paragraph [0054] states the following, with reference to the GUI 600 depicted in Figure 5B:

Another example of information displayed by the GUI 600 concerns the status of each of the ports. Because different ports can be used simultaneously by different users, it is useful for the user to know which ports are available and which are not. To this end, at least some embodiments of the GUI use a color coded icon scheme to indicate the status of a port. In one example, if the icon 606 is green, the port is available for use. If the icon is blue, the port is in use by another user. Finally, if the icon is red, the port hardware is in an error state and cannot be used. Such a color code scheme is but one example of a way in which port status information can be presented to a user. Any other system or indicator of comparable functionality may likewise be employed.

Thus, an example embodiment that provides support for the claim 1 limitation, "determining whether one or more of the identified ports are available" is depicted by stage 504 of Figure 5A and the example GUI 600 of Figure 5B.

An example embodiment providing support for the claim 1 limitation, "using at least one of any available ports to at least partially define a domain," is depicted by stage 506 (labeled "Identify New Or Existing Domain; Select Ports For Domain") and by GUI 600. According to paragraph [0055], "the GUI 600 receives input, at stage 506, from the user concerning the name of a domain to be created or modified, and the ports that are to be included in the domain. In this

way, the GUI 600 enables the user to create a virtual multi-port analyzer, or domain, that includes a collection of ports selected by the user.” Then, with reference to Figure 5B, the specification states that “the illustrated embodiment of the GUI 600 facilitates domain creation and modification by enabling the user to create and name a domain, such as the “NewDomain” 608 indicated, and to add ports to that domain.” *See* paragraph [0057].

Moreover, an example embodiment providing support for the claim 1 limitation, “configuring at least one port of any domain that was defined in connection with the available port,” is depicted by stage 508 (labeled “Configure One Or More Ports Of The Domain”) and by a configuration editor interface 610 depicted in Figure 5C. According to paragraph [0061], “Thus, after port selection has been completed, the process 500 advances to stage 508 where the user configures one or more ports of the domain.” Referring to Figure 5C, the specification states, “Generally, a configuration editor section of the GUI 600 displays editable operating parameters, as well as fixed port values and characteristics in some cases, for one or more ports and receives input from the user concerning such parameters.” *See id.*

Claim 5 recites “wherein modifying any domain that was at least partially defined in connection with an available port comprises changing the number of ports associated with the domain.” An example embodiment providing support for this claim limitation is depicted by stage 506 of Figure 5A and the GUI 600 of Figure 5B. For example, paragraph [0058] describes stage 506 with reference to the GUI 600 as follows, “As the user adds ports to, or removes ports from, a domain, the change in the configuration of the domain is reflected in the display presented by the GUI 600.”

Claim 8 recites “displaying information concerning a domain.” An example embodiment providing support for claim 8 is depicted by GUI 600 of Figure 5B, in which “[a]s the user adds ports to, or removes ports from, a domain, the change in the configuration of the domain is reflected in the display presented by the GUI 600.” *See* paragraph [0058].

Claim 9 recites “displaying information concerning port parameters.” An example embodiment providing support for claim 9 is depicted by the configuration editor interface 610 in Figure 5C. According to paragraph [0061] of the specification, “Generally, a configuration editor section of the GUI 600 displays editable operating parameters, as well as fixed port values

and characteristics in some cases, for one or more ports and receives input from the user concerning such parameters."

In light of the foregoing, Applicants respectfully submit that the drawings "show every feature of the invention specified in the claims," pursuant to 37 CFR 1.83(a). Therefore, no corrected drawings are being submitted and Applicants respectfully request that Examiner withdraw the objection to the drawings.

II. Rejection Under 35 U.S.C. §112, ¶1

The Office Action rejects claim 1 under 35 U.S.C. §112, ¶1, as failing to comply with the written description requirement. In particular, the Examiner alleged "the specification failed to provide enough description of claim limitation 'using at least one of any available ports to at least partially define a domain' so an ordinary skill in the art can comprehend the claimed invention." See *Office Action*, p. 3. Applicants respectfully traverse this rejection for at least the reason that the specification, including the drawings, the detailed description, and the original claims provide adequate written description.

According to MPEP §2163, "[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." Additionally, MPEP §2163.IB notes that "there is no *in haec verba* requirement".

Written description support for the claim limitation, "using at least one of any available ports to at least partially define a domain" may be found at least in paragraph [0058] of the specification and in the GUI 600 of Figure 5B. Paragraph [0058] states the following:

The GUI 600 can be configured in a variety of different way so as to enable the user to add ports to the domain, and/or remove ports from a domain, in a variety of ways. Accordingly, the scope of the invention is not limited to any particular GUI implementation. For example, some embodiments of the GUI 600 include a drag-and-drop feature by which ports are added to, or removed from, the domain. In particular, the user is able to modify the domain simply by dragging ports from the "AllDevices" list to the domain, or dragging ports from the domain to the "AllDevices" list. In one alternative embodiment, the GUI 600 is configured so that the user can use a select-copy-paste technique to add ports to a domain. As the user adds ports to, or removes ports from, a domain, the change

in the configuration of the domain is reflected in the display presented by the GUI 600.

Because the specification adequately supports claim 1, Applicants respectfully request that Examiner withdraw the rejection of claim 1 under 35 U.S.C. §112, ¶1.

III. Rejection Under 35 U.S.C. §112, ¶2

The Office Action rejects claim 1 under 35 U.S.C. §112, ¶2, as being indefinite based on two distinct grounds. Applicants respectfully traverse both grounds of rejection and request withdrawal of the rejection in light of the following remarks.

First, the Examiner alleged that “the preamble [of claim 1] recites ‘A method for facilitating analysis of one or more aspects of a communications network...’ but none of the steps achieve analysis of communication network.” See *Office Action*, p. 4. Applicants respectfully disagree. Nonetheless, in order to expedite allowance of the claims, Applicants have amended the preamble of claim 1 to delete “for facilitating analysis of one or more aspects of a communications network.” Accordingly, the first ground of rejection is rendered moot and should be withdrawn.

Second, the Examiner alleged, “It is unclear and indefinite to the examiner what applicant meant by claim limitations ‘using at least one of any available ports to at least partially define a domain’ ‘configuring at least one port of any domain that was defined in connection with an available port.’” Applicants respectfully disagree.

According to MPEP 2173.02, “If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is ‘vague and indefinite’ should be included in the Office action.” Contrary to the guidelines of the MPEP, the Examiner has not provided any analysis as to why the aforementioned claim limitations are vague and indefinite. Accordingly, without more specificity Applicants are hampered in their ability to adequately respond to the rejection. Nonetheless, in the interest of advancing prosecution, Applicants respectfully direct the Examiner’s attention to subsections B and C of the specification beginning at paragraphs [0055] and [0060], respectively. Subsections B and C,

entitled "Port Selection" and "Port Configuration," respectively, provide written description support for the aforementioned claim 1 limitations.

In light of the Examiner's failure to provide an analysis as to why the claim limitations are indefinite, Applicants respectfully submit that the second ground of rejection is improper and should be withdrawn.

IV. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1 and 3-14 under 35 U.S.C. §102(e) over *Roland et al.* (U.S. Patent No. 5,373,501). Applicants respectfully traverse the rejection.

According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(a), (b), or (c) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The reference must show the identical invention in as complete detail as is contained in the claim. Finally, the elements must be arranged or combined as required by the claim.

Claim 1, as amended, recites, "wherein [a] domain is defined such that ports included in the domain appear to share, from a first user perspective, a trigger line and/or a common clock." Support for the amendment may be found at least in paragraph [0056] and in Figure 4 of the application. In contrast, *Roland* does not appear to describe anywhere a user perspective of a domain, much less a user perspective in which "ports included in [a] domain appear to share...a trigger line and/or a common clock," as claimed.

Therefore, *Roland* does not show the identical invention in as complete detail as is contained in the claim. Accordingly, withdrawal of the rejection is respectfully requested.

V. Rejection under 35 U.S.C §103(a)

The Office action rejects claim 2 under 35 U.S.C §103(a) over *Roland et al.* (U.S. Patent No. 5,373,501) in view of *Coupal et al.* (U.S. Patent No. 6,931,574).

Applicants note that claim 2 depends from and includes every limitation of claim 1, as amended. Therefore, as discussed above in section IV, *Roland* does not teach or suggest,

"wherein [a] domain is defined such that ports included in the domain appear to share, from a first user perspective, a trigger line and/or a common clock," as claimed. *Coupal*, relied on for its purported teaching of a graphical user interface, fails to cure the deficiencies of *Roland* discussed above in section IV. Thus, Applicants respectfully submit that even if the references are combined, the resulting combination fails to include all the limitations of claim 2.

VI. New Claims 33-39

By this amendment, Applicants have added new claims 33-39. Support for new claims 33 and 34 may be found at least in paragraph [0054]. Support for new claim 35 may be found at least in paragraphs [0041] and [0042]. Support for new claims 36-39 may be found at least in paragraphs [0043] through [0046] and in Figure 4. Applicants respectfully submit that new claims 33 and 34 are in condition for allowance at least by virtue of their dependence from allowable claim 1. Applicants further submit that claims 35-39 are in condition for allowance.

VII. Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 24th day of February, 2009.

Respectfully submitted,

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